

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Derrick Roger Dowell

Docket No. 5:93-CR-73-1F

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Derrick Roger Dowell, who, upon an earlier plea of guilty to Possession With Intent to Distribute Cocaine Base (Crack), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable James C. Fox, U.S. District Judge, on December 13, 1993, to the custody of the Bureau of Prisons for a term of 300 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 10 years.

Derrick Roger Dowell was released from custody on March 21, 2014, at which time the term of supervised release commenced. On April 3, 2014, a Violation Report was submitted advising that the defendant tested positive for cocaine on March 31, 2014. Dowell signed an admission of drug use form acknowledging that he used powder cocaine on March 29, 2014. The defendant was verbally reprimanded for this drug use, counseled about his actions, and referred to outpatient substance abuse treatment. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On July 28, 2016, the defendant tested positive for cocaine, which was confirmed through laboratory analysis, and the probation officer was notified on August 30, 2016. During a home inspection on September 1, 2016, Dowell admitted to using cocaine on July 24, 2016, and he signed an admission of drug use form. As a sanction for this violation, we are recommending that he serve 2 days in jail. Additionally, he will resume outpatient substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for 2 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: September 1, 2016

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ORDER OF THE COURT

Considered and ordered this 2 day of September, 2016, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge